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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to address the protective custody of alien children accompanied by parents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CUELLAR introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend the Immigration and Nationality Act to address
the protective custody of alien children accompanied by
parents, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES; TABLE OF CONTENTS.**

4 (a) SHORT TITLES.—This Act may be cited as the
5 “Humanitarian Upgrades to Manage and Assist our Na-
6 tion’s Enforcement Act of 2019” or the “HUMANE Act
7 of 2019”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short titles; table of contents.
- Sec. 2. Family unification.
- Sec. 3. Repatriation of unaccompanied alien children.
- Sec. 4. Child welfare and law enforcement information sharing.
- Sec. 5. Accountability for children and taxpayers.
- Sec. 6. Custody of unaccompanied alien children in removal proceedings under section 240 of the Immigration and Nationality Act.
- Sec. 7. Fraud in connection with the transfer of custody of unaccompanied alien children.
- Sec. 8. Notification of States and foreign governments, reporting, and monitoring.
- Sec. 9. Reports to Congress.
- Sec. 10. Asylum processing.
- Sec. 11. Biometric and DNA collection.
- Sec. 12. Standard operating procedures; facilities standards.
- Sec. 13. Regional processing centers.
- Sec. 14. Authorization to hire additional U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement personnel.
- Sec. 15. Ports of entry infrastructure improvements.
- Sec. 16. Foreign engagement strategy.
- Sec. 17. Deterring visa overstays.

3 **SEC. 2. FAMILY UNIFICATION.**

4 (a) IN GENERAL.—Section 235 of the Immigration
5 and Nationality Act (8 U.S.C. 1225) is amended by add-
6 ing at the end the following:

7 “(e) PROTECTIVE CUSTODY OF ARRIVING ALIEN
8 CHILDREN ACCOMPANIED BY PARENTS.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, including section 3142 of title 18,
11 United States Code, any judicial determination (in-
12 cluding any judicial determination made in *Flores v.*
13 *Sessions et. al.*, (9th Cir. July 5, 2017; C.D. CA.
14 July 24, 2015)), consent decree, or settlement agree-
15 ment issued before the date of enactment of the

1 HUMANE Act of 2019, and section 236.3 of title
2 8, Code of Federal Regulations (or a successor regu-
3 lation), the Secretary of Homeland Security is not
4 required to implement the terms of the stipulated
5 settlement agreement filed on January 17, 1997, in
6 the United States District Court for the Central
7 District of California in Flores v. Reno, CV 85–
8 4544–RJK, (commonly known as the “Flores settle-
9 ment agreement”), and may not use any Federal
10 Funds to implement such agreement, with respect to
11 an alien child who is younger than 18 years of age
12 if such child is accompanied by a parent or legal
13 guardian.

14 “(2) FAMILY RESIDENTIAL CENTERS.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraph (B), the Secretary of Homeland
17 Security shall house any alien child described in
18 paragraph (1) who is unlawfully present in the
19 United States together with the parent of such
20 child in a family residential center or a regional
21 processing center maintained by the Secretary
22 of Homeland Security during the pendency of
23 civil or criminal proceedings.

24 “(B) EXCEPTION.—The Secretary of
25 Homeland Security may not temporarily house

1 an alien child referred to in subparagraph (A)
2 in the manner described in such subparagraph
3 if the Secretary—

4 “(i) is unable to verify that an indi-
5 vidual accompanying the alien child is the
6 parent of the alien child;

7 “(ii) determines that the accom-
8 panying parent of the alien child—

9 “(I) has a violent criminal his-
10 tory; or

11 “(II) has committed or been con-
12 victed of—

13 “(aa) an aggravated felony;

14 “(bb) a crime involving the
15 attempted use of physical force
16 or the threatened use of a deadly
17 weapon;

18 “(cc) an assault resulting in
19 bodily injury (as defined in sec-
20 tion 2266 of title 18, United
21 States Code); or

22 “(dd) an offense described
23 in section 212(a)(2) or
24 237(a)(2);

1 “(iii) determines that the alien child
2 has been a victim of domestic abuse or sex-
3 ual abuse; or

4 “(iv) the alien child is—

5 “(I) a victim of trafficking;

6 “(II) at risk of becoming a victim
7 of trafficking;

8 “(III) in danger of abuse or ne-
9 glect at the hands of the accom-
10 panying parent of the alien child; or

11 “(IV) a danger to himself or her-
12 self or to others.

13 “(C) CONDITIONS FOR CUSTODY.—The
14 Secretary of Homeland Security shall ensure
15 that—

16 “(i) each family residential facility or
17 regional processing center, as applicable, is
18 secure and safe; and

19 “(ii) each alien child and each accom-
20 panying parent at a family residential fa-
21 cility or regional processing center—

22 “(I) has suitable living accom-
23 modations;

24 “(II) has access to drinking
25 water and food;

1 “(III) has timely access to med-
2 ical assistance, including mental
3 health assistance;

4 “(IV) has access to recreational
5 facilities, educational services, enter-
6 tainment options, clothing, family visi-
7 tation, and legal counsel (to the great-
8 est extent practicable in accordance
9 with section 292);

10 “(V) has access to any other
11 service necessary for the adequate
12 care of a minor child.

13 “(3) PROTECTIVE CUSTODY OF ACCOMPANIED
14 ALIEN CHILDREN INELIGIBLE FOR HOUSING IN A
15 FAMILY RESIDENTIAL CENTER.—If an alien child de-
16 scribed in paragraph (1) may not be housed with the
17 accompanying parent of the alien child in a family
18 residential center or regional processing center in ac-
19 cordance with paragraph (2)(A), the child shall be
20 treated as an unaccompanied alien child under the
21 William Wilberforce Trafficking Victims Protection
22 Reauthorization Act of 2008 (8 U.S.C. 1232 et
23 seq.).

24 “(4) PRIORITIZATION OF ACCOMPANIED MINOR
25 AND FAMILY UNIT PROCEEDINGS.—To the maximum

1 extent practicable, the Secretary of Homeland Secu-
2 rity and the Attorney General shall prioritize civil
3 and criminal proceedings and decisions on requests
4 for relief from removal of accompanied alien children
5 and families who are in custody under this sub-
6 section.”.

7 (b) APPLICABILITY.—The amendments made by this
8 Act shall apply regardless of the date of the occurrence
9 of an action giving rise to the admissibility or custody of
10 the accompanied child or parent.

11 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
12 tion, or in the amendments made by this section, may be
13 construed as terminating the settlement agreement filed
14 on January 17, 1997, in the United States District Court
15 for the Central District of California in Flores v. Reno,
16 CV 85–4544–RJK, (commonly known as the “Flores set-
17 tlement agreement”) with respect to an unaccompanied
18 alien child (as defined in section 462(g)(2) of the Home-
19 land Security Act of 2002 (6 U.S.C. 279(g)(2))).

20 **SEC. 3. REPATRIATION OF UNACCOMPANIED ALIEN CHIL-**
21 **DREN.**

22 (a) IN GENERAL.—Section 235(a) of the William
23 Wilberforce Trafficking Victims Protection Reauthoriza-
24 tion Act of 2008 (8 U.S.C. 1232(a)) is amended—

25 (1) in paragraph (2)—

1 (A) by amending the paragraph heading to
2 read as follows: “RULES FOR UNACCOMPANIED
3 ALIEN CHILDREN.—”;

4 (B) in subparagraph (A), in the matter
5 preceding clause (i), by striking “who is a na-
6 tional or habitual resident of a country that is
7 contiguous with the United States shall be
8 treated in accordance with subparagraph (B)”
9 and inserting “shall be treated in accordance
10 with subparagraph (B) or subsection (b), as ap-
11 propriate”; and

12 (C) in subparagraph (C)—

13 (i) by amending the subparagraph
14 heading to read as follows: “AGREEMENTS
15 WITH FOREIGN COUNTRIES.—”; and

16 (ii) in the matter preceding clause (i),
17 by inserting “and any other foreign coun-
18 try that the Secretary determines to be ap-
19 propriate” after “countries contiguous to
20 the United States”;

21 (2) by redesignating paragraphs (3), (4), and
22 (5) as paragraphs (4), (5), and (6), respectively; and

23 (3) inserting after paragraph (2) the following:

24 “(3) MANDATORY EXPEDITED REMOVAL OF
25 CRIMINALS AND GANG MEMBERS.—Notwithstanding

1 any other provision of law, the Secretary of Home-
2 land Security shall place an unaccompanied alien
3 child in a proceeding in accordance with section 235
4 of the Immigration and Nationality Act (8 U.S.C.
5 1225) if, the Secretary determines or has reason to
6 believe that the alien—

7 “(A) has been convicted of any offense car-
8 rying a maximum term of imprisonment of
9 more than 180 days;

10 “(B) has been convicted of, or found to be
11 a juvenile offender based on, an offense that in-
12 volved—

13 “(i) the use or attempted use of phys-
14 ical force, or threatened use of a deadly
15 weapon;

16 “(ii) the purchase, sale, offering for
17 sale, exchange, use, ownership, possession,
18 or carrying, or, of attempting or conspiring
19 to purchase, sell, offer for sale, exchange,
20 use, own, possess, or carry, any weapon,
21 part, or accessory which is a firearm or de-
22 structive device (as defined in section
23 921(a) of title 18, United States Code) in
24 violation of any law;

1 “(iii) child abuse and neglect (as de-
2 fined in section 40002(a)(3) of the Vio-
3 lence Against Women Act of 1994 (34
4 U.S.C. 12291(a)(3)));

5 “(iv) assault resulting in bodily injury
6 (as defined in section 2266 of title 18,
7 United States Code);

8 “(v) the violation of a protection order
9 (as defined in section 2266 of title 18,
10 United States Code);

11 “(vi) driving while intoxicated or driv-
12 ing under the influence (as such terms are
13 defined in section 164 of title 23, United
14 States Code); or

15 “(vii) any offense under foreign law
16 (except a purely political offense) that, if
17 the offense had been committed in the
18 United States, would render the alien inad-
19 missible under section 212(a) of the Immi-
20 gration and Nationality Act (8 U.S.C.
21 1182(a));

22 “(C) has been convicted of, or found to be
23 a juvenile offender based on, more than 1 crimi-
24 nal offense (other than minor traffic offenses);

1 “(D) has been convicted of, or found to be
2 a juvenile offender based on a crime of violence
3 or an offense under Federal, State, or Tribal
4 law, that has, as an element, the use or at-
5 tempted use of physical force or the threatened
6 use of physical force or a deadly weapon;

7 “(E) has engaged in, is engaged in, or is
8 likely to engage after entry in any terrorist ac-
9 tivity (as defined in section 212(a)(3)(B)(iii) of
10 the Immigration and Nationality Act (8 U.S.C.
11 1182(a)(3)(B)(iii))), or intends to participate or
12 has participated in the activities of a foreign
13 terrorist organization (as designated under sec-
14 tion 219 of the Immigration and Nationality
15 Act (8 U.S.C. 1189));

16 “(F) has engaged in, is engaged in, or any
17 time after a prior admission engages in activity
18 described in section 237(a)(4) of the Immigra-
19 tion and Nationality Act (8 U.S.C. 1227(a)(4));

20 “(G) is or was a member of a criminal
21 gang (as defined in section 101(a)(53) of the
22 Immigration and Nationality Act (8 U.S.C.
23 1101(a)(53)));

24 “(H) provided materially false, fictitious,
25 or fraudulent information regarding age or

1 identity to the United States Government with
2 the intent to inaccurately classified as an unac-
3 companied alien child; or

4 “(I) has entered the United States more
5 than once in violation of section 275(a) of the
6 Immigration and Nationality Act (8 U.S.C.
7 1325(a)), knowing that the entry was unlaw-
8 ful.”.

9 (b) PRIORITIZATION OF PROCEEDINGS.—The Sec-
10 retary of Homeland Security and the Attorney General
11 shall ensure that immigration proceedings and any claims
12 for relief, including asylum, for an unaccompanied minor
13 child are prioritized and expeditiously adjudicated.

14 **SEC. 4. CHILD WELFARE AND LAW ENFORCEMENT INFOR-**
15 **MATION SHARING.**

16 Section 235(b) of the William Wilberforce Trafficking
17 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
18 1232(b)) is amended by adding at the end the following:

19 “(5) INFORMATION SHARING.—

20 “(A) IMMIGRATION STATUS.—If the Sec-
21 retary of Health and Human Services considers
22 placing an unaccompanied alien child with a po-
23 tential sponsor, the Secretary of Homeland Se-
24 curity shall notify the Secretary of Health and
25 Human Services of the immigration status of

1 such potential sponsor before making such
2 placement.

3 “(B) OTHER INFORMATION.—The Sec-
4 retary of Health and Human Services, upon re-
5 quest, shall provide to the Secretary of Home-
6 land Security and the Attorney General any rel-
7 evant information relating to an unaccompanied
8 alien child who is, or has been, in the custody
9 of the Secretary of Health and Human Serv-
10 ices, including the location of such child and
11 any person to whom custody of the child has
12 been transferred, for any legitimate law enforce-
13 ment objective, including the enforcement of the
14 immigration laws.”.

15 **SEC. 5. ACCOUNTABILITY FOR CHILDREN AND TAXPAYERS.**

16 Section 235(b) of the William Wilberforce Trafficking
17 Victims Protection Reauthorization Act of 2008, as
18 amended by section 4, is further amended by adding at
19 the end the following:

20 “(6) INSPECTION OF FACILITIES.—The Inspec-
21 tor General of the Department of Health and
22 Human Services shall conduct regular inspections of
23 facilities utilized by the Secretary of Health and
24 Human Services to provide care and custody of un-
25 accompanied alien children who are in the immediate

1 custody of the Secretary to ensure that such facili-
2 ties are operated in the most efficient manner prac-
3 ticable.

4 “(7) FACILITY OPERATIONS COSTS.—The Sec-
5 retary of Health and Human Services shall ensure
6 that facilities utilized to provide care and custody of
7 unaccompanied alien children are operated efficiently
8 and at a rate of cost that is not greater than \$500
9 per day for each child housed or detained at such fa-
10 cility, unless the Secretary certifies that compliance
11 with this requirement is temporarily impossible due
12 to emergency circumstances.”.

13 **SEC. 6. CUSTODY OF UNACCOMPANIED ALIEN CHILDREN**
14 **IN REMOVAL PROCEEDINGS UNDER SECTION**
15 **240 OF THE IMMIGRATION AND NATIONALITY**
16 **ACT.**

17 (a) IN GENERAL.—Section 235(c)(2) of the William
18 Wilberforce Trafficking Victims Protection Reauthoriza-
19 tion Act of 2008 (8 U.S.C. 1232(c)(2)) is amended by
20 adding at the end the following:

21 “(C) CHILDREN IN REMOVAL PRO-
22 CEEDINGS UNDER SECTION 240.—

23 “(i) LIMITATION ON PLACEMENT.—
24 Notwithstanding any settlement or consent
25 decree previously issued before the date of

1 the enactment of this subparagraph, sec-
2 tion 236.3 of title 8, Code of Federal Reg-
3 ulations, or a similar successor regulation,
4 an unaccompanied alien child who has been
5 placed in a proceeding under section 240
6 of the Immigration and Nationality Act (8
7 U.S.C. 1229a) may not be placed in the
8 custody of a nongovernmental sponsor or
9 otherwise released from the immediate cus-
10 tody of the United States Government un-
11 less—

12 “(I) the nongovernmental spon-
13 sor is a biological or adoptive parent
14 or legal guardian of the unaccom-
15 panied alien child;

16 “(II) the parent or legal guardian
17 is legally present in the United States
18 at the time of such placement;

19 “(III) the parent or legal guard-
20 ian has undergone a mandatory bio-
21 metric criminal history check;

22 “(IV) if the nongovernmental
23 sponsor is the biological parent, the
24 parent’s relationship to the alien child
25 has been verified through DNA test-

1 ing conducted by the Secretary of
2 Health and Human Services;

3 “(V) if the nongovernmental
4 sponsor is the adoptive parent, the
5 parent’s relationship to the alien child
6 has been verified with the judicial
7 court that issued the final legal adop-
8 tion decree by the Secretary of Health
9 and Human Services; and

10 “(VI) the Secretary of Health
11 and Human Services has determined
12 that the alien child is not a danger to
13 himself or herself, a danger to the
14 community, or a flight risk.

15 “(ii) EXCEPTIONS.—If the Secretary
16 of Health and Human Services determines
17 that an unaccompanied alien child is a vic-
18 tim of severe forms of trafficking in per-
19 sons (as defined in section 103 of the
20 Trafficking Victims Protection Act of 2000
21 (22 U.S.C. 7102)), a special needs child
22 with a disability (as defined in section 3 of
23 the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12102)), a child who has
25 been a victim of physical or sexual abuse

1 under circumstances that indicate that the
2 child's health or welfare has been signifi-
3 cantly harmed or threatened, or a child
4 with mental health needs that require on-
5 going assistance from a social welfare
6 agency, such child may be placed with a
7 grandparent or adult sibling if the grand-
8 parent or adult sibling meets the require-
9 ments for parents or legal guardians under
10 subclauses (II), (III), and (IV) of clause
11 (i).

12 “(iii) FAILURE TO APPEAR.—

13 “(I) CIVIL PENALTY.—Except as
14 provided in subclause (II), if an unac-
15 companied alien child who was placed
16 with a sponsor fails to appear in a
17 mandatory court appearance, the
18 sponsor shall be subject to a civil pen-
19 alty of \$250 per day until the alien
20 appears in court, up to a maximum
21 penalty of \$5,000.

22 “(II) BURDEN OF PROOF.—The
23 penalty under subclause (I) shall not
24 apply to a sponsor who—

1 “(aa) appears in person and
2 proves to the immigration court
3 that the failure to appear by the
4 unaccompanied alien child was
5 not the fault of the sponsor; and

6 “(bb) supplies the immigra-
7 tion court with documentary evi-
8 dence that supports the assertion
9 described in item (aa).

10 “(iv) PROHIBITION ON PLACEMENT
11 WITH SEX OFFENDERS AND HUMAN TRAF-
12 FICKERS.—The Secretary of Health and
13 Human Services may not place an unac-
14 companied alien child under this subpara-
15 graph in the custody of an individual who
16 has been convicted of, or the Secretary has
17 reason to believe was otherwise involved in
18 the commission of—

19 “(I) a sex offense (as defined in
20 section 111 of the Sex Offender Reg-
21 istration and Notification Act (34
22 U.S.C. 20911));

23 “(II) a crime involving severe
24 forms of trafficking in persons (as de-
25 fined in section 103 of the Trafficking

1 Victims Protection Act of 2000 (22
2 U.S.C. 7102)); or

3 “(III) an offense under Federal,
4 State, or tribal law that has, as an
5 element of the offense, the use or at-
6 tempted use of physical force or the
7 threatened use of physical force or a
8 deadly weapon.

9 “(v) REQUIREMENTS OF CRIMINAL
10 BACKGROUND CHECK.—Each biometric
11 criminal history check required under
12 clause (i)(III) shall be conducted using a
13 set of fingerprints or other biometric iden-
14 tifier through—

15 “(I) the Federal Bureau of Inves-
16 tigation;

17 “(II) criminal history repositories
18 of all States that the individual lists
19 as current or former residences; and

20 “(III) any other Federal or State
21 database or repository that the Sec-
22 retary of Health and Human Services
23 determines to be appropriate.”.

24 (b) HOME STUDIES AND FOLLOW-UP SERVICES FOR
25 UNACCOMPANIED ALIEN CHILDREN.—Section 235(c)(3)

1 of the William Wilberforce Trafficking Victims Protection
2 Reauthorization Act of 2008 (8 U.S.C. 1232(c)(3)) is
3 amended—

4 (1) by redesignating subparagraph (C) as sub-
5 paragraph (D); and

6 (2) by striking subparagraph (B) and inserting
7 the following:

8 “(B) HOME STUDIES.—

9 “(i) IN GENERAL.—Except as pro-
10 vided under clause (ii), the Secretary of
11 Health and Human Services shall deter-
12 mine whether a home study is necessary
13 before placing a child with an individual.

14 “(ii) REQUIRED HOME STUDIES.—A
15 home study shall be conducted for a
16 child—

17 “(I) who is a victim of a severe
18 form of trafficking in persons or is a
19 special needs child with a disability
20 (as defined in section 3 of the Ameri-
21 cans with Disabilities Act of 1990 (42
22 U.S.C. 12102);

23 “(II) who has been a victim of
24 physical or sexual abuse under cir-
25 cumstances that indicate that the

1 child's health or welfare has been sig-
2 nificantly harmed or threatened;

3 “(III) whose proposed sponsor
4 presents a risk of abuse, maltreat-
5 ment, exploitation, or trafficking to
6 the child based on all available objec-
7 tive evidence) if more than 2 other
8 children are residing with the pro-
9 posed sponsor, or if such sponsor has
10 custody of at least 1 other unaccom-
11 panied alien child; or

12 “(IV) if more than 2 other chil-
13 dren are residing with the proposed
14 sponsor, or if such sponsor has cus-
15 tody of at least 1 other unaccom-
16 panied alien child.

17 “(C) FOLLOW-UP SERVICES AND ADDI-
18 TIONAL HOME STUDIES.—

19 “(i) PENDENCY OF REMOVAL PRO-
20 CEEDINGS.—Not less frequently than once
21 every 180 days until the date on which ini-
22 tial removal proceedings are completed and
23 the immigration judge issues an order of
24 removal, grants voluntary departure under
25 section 240B, or grants the alien relief

1 from removal, the Secretary of Health and
2 Human Services shall conduct follow-up
3 services for any child for whom a home
4 study was conducted and who was placed
5 with a nongovernmental sponsor.

6 “(ii) CHILDREN WITH MENTAL
7 HEALTH OR OTHER NEEDS.—Not less fre-
8 quently than once every 180 days, until the
9 date that is 2 years after the date on
10 which a child is placed with a nongovern-
11 mental sponsor, the Secretary of Health
12 and Human Services shall conduct follow-
13 up services for any child with mental
14 health needs or other needs who could ben-
15 efit from ongoing assistance from a social
16 welfare agency.

17 “(iii) CHILDREN AT RISK.—Not less
18 frequently than once every 90 days until
19 the date that is 2 years after the date on
20 which a child is placed with a nongovern-
21 mental sponsor, the Secretary of Health
22 and Human Services shall conduct home
23 studies and follow-up services, including
24 partnering with local community programs

1 that focus on early morning and after
2 school programs for at-risk children who—
3 “(I) need a secure environment
4 to engage in studying, training, and
5 skills-building programs; and
6 “(II) are at risk for recruitment
7 by criminal gangs or other
8 transnational criminal organizations
9 in the United States.”.

10 **SEC. 7. FRAUD IN CONNECTION WITH THE TRANSFER OF**
11 **CUSTODY OF UNACCOMPANIED ALIEN CHIL-**
12 **DREN.**

13 (a) IN GENERAL.—Chapter 47 of title 18, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 1041. Fraud in connection with the transfer of cus-**
17 **tody of unaccompanied alien children**

18 “(a) IN GENERAL.—It shall be unlawful for a person
19 to obtain custody of an unaccompanied alien child (as de-
20 fined in section 462(g) of the Homeland Security Act of
21 2002 (6 U.S.C. 279(g)))—

22 “(1) by making any materially false, fictitious,
23 or fraudulent statement or representation; or

24 “(2) by making or using any false writing or
25 document with the knowledge that such writing or

1 document contains any materially false, fictitious, or
2 fraudulent statement or entry.

3 “(b) PENALTIES.—

4 “(1) IN GENERAL.—Any person who violates, or
5 attempts or conspires to violate, subsection (a) shall
6 be fined under this title and imprisoned for not less
7 than 1 year.

8 “(2) ENHANCED PENALTY FOR TRAF-
9 FICKING.—If the primary purpose of a violation, at-
10 tempted violation, or conspiracy to violate this sec-
11 tion was to subject the child to sexually explicit ac-
12 tivity or any other form of exploitation, the offender
13 shall be fined under this title and imprisoned for not
14 less than 15 years.”.

15 (b) CLERICAL AMENDMENT.—The chapter analysis
16 for chapter 47 of title 18, United States Code, is amended
17 by adding at the end the following:

“1041. Fraud in connection with the transfer of custody of unaccompanied alien
children.”.

18 **SEC. 8. NOTIFICATION OF STATES AND FOREIGN GOVERN-**
19 **MENTS, REPORTING, AND MONITORING.**

20 Section 235 of the William Wilberforce Trafficking
21 Victims Protection Reauthorization Act of 2008 (8 U.S.C.
22 1232), as amended by this Act, is further amended by
23 adding at the end the following:

24 “(k) NOTIFICATION TO STATES.—

1 “(1) BEFORE PLACEMENT.—The Secretary of
2 Homeland Security or the Secretary of Health and
3 Human Services shall notify the Governor of a State
4 not later than 48 hours before placing an unaccom-
5 panied alien child who is in the custody of such Sec-
6 retary into the care of a facility or sponsor in such
7 State.

8 “(2) INITIAL REPORTS.—Not later than 60
9 days after the date of the enactment of this sub-
10 section, the Secretary of Health and Human Serv-
11 ices shall submit a report to the Governor of each
12 State in which an unaccompanied alien child was
13 discharged to a sponsor or placed in a facility while
14 remaining in the legal custody of the Secretary dur-
15 ing the period beginning October 1, 2013, and end-
16 ing on the date of the enactment of this subsection.

17 “(3) MONTHLY REPORTS.—The Secretary of
18 Health and Human Services shall submit a monthly
19 report to the Governor of each State in which, dur-
20 ing the reporting period, an unaccompanied alien
21 child was discharged to a sponsor or placed in a fa-
22 cility while remaining in the legal custody of the
23 Secretary of Health and Human Services.

24 “(4) CONTENTS.—Each report required to be
25 submitted to the Governor of a State under para-

1 graph (2) or (3) shall identify the number of unac-
2 companied alien children placed in the State during
3 the reporting period, disaggregated by—

4 “(A) the locality in which the aliens were
5 placed; and

6 “(B) the age of such aliens.

7 “(l) NOTIFICATION OF FOREIGN COUNTRY.—The
8 Secretary of Homeland Security shall provide information
9 regarding each unaccompanied alien child to the govern-
10 ment of the country of which the child is a national to
11 assist such government with the identification and reunifi-
12 cation of such child with their parent or other qualifying
13 relative.

14 “(m) MONITORING REQUIREMENT.—The Secretary
15 of Health and Human Services shall—

16 “(1) require all sponsors to agree—

17 “(A) to receive approval from the Sec-
18 retary of Health and Human Services before
19 changing the location in which the sponsor is
20 housing an unaccompanied alien child placed in
21 the sponsor’s custody; and

22 “(B) to provide a current address for the
23 child and the reason for the change of address;

24 “(2) provide regular and frequent monitoring of
25 the physical and emotional well-being of each unac-

1 accompanied alien child who has been discharged to a
2 sponsor or remained in the legal custody of the Sec-
3 retary until the child's immigration case is resolved;
4 and

5 “(3) not later than 60 days after the date of
6 the enactment of this subsection, submit a plan to
7 Congress for implementing the requirements under
8 paragraphs (1) and (2).”.

9 **SEC. 9. REPORTS TO CONGRESS.**

10 (a) **REPORTS ON CARE OF UNACCOMPANIED ALIEN**
11 **CHILDREN.**—Not later than September 30, 2020, the Sec-
12 retary of Health and Human Services shall submit to Con-
13 gress, and make publicly available, a report that in-
14 cludes—

15 (1) a detailed summary of the contracts in ef-
16 fect to care for and house unaccompanied alien chil-
17 dren, including the names and locations of contrac-
18 tors and the facilities being used;

19 (2) for each contractor and facility referred to
20 in paragraph (1), the cost per day to care for and
21 house an unaccompanied alien child, including an ex-
22 planation of such cost;

23 (3) the number of unaccompanied alien children
24 who have been released to a sponsor, if any;

1 (4) a list of the States to which unaccompanied
2 alien children have been released from the custody of
3 the Secretary of Health and Human Services to the
4 care of a sponsor or placement in a facility;

5 (5) the number of unaccompanied alien children
6 who have been released to a sponsor who is not law-
7 fully present in the United States, including the
8 country of nationality or last habitual residence and
9 age of such children;

10 (6) a determination of whether more than 1 un-
11 accompanied alien child has been released to the
12 same sponsor, including the number of children who
13 were released to such sponsor;

14 (7) an assessment of the extent to which the
15 Secretary of Health and Human Services is moni-
16 toring the release of unaccompanied alien children,
17 including home studies done and electronic moni-
18 toring devices used;

19 (8) an assessment of the extent to which the
20 Secretary of Health and Human Services is making
21 efforts—

22 (A) to educate unaccompanied alien chil-
23 dren about their legal rights; and

24 (B) to provide unaccompanied alien chil-
25 dren with access to pro bono counsel; and

1 (9) the extent of the public health issues of un-
2 accompanied alien children, including contagious dis-
3 eases, the benefits or medical services provided, and
4 the outreach to States and localities about public
5 health issues, that could affect the public.

6 (b) REPORTS ON REPATRIATION AGREEMENTS.—

7 Not later than September 30, 2020, the Secretary of State
8 shall submit to Congress, and make publicly available, a
9 report that—

10 (1) includes a copy of any repatriation agree-
11 ment in effect for unaccompanied alien children;

12 (2) describes any such repatriation agreement
13 that is being considered or negotiated; and

14 (3) describes the funding provided by the
15 United States Government to the 20 countries that
16 have the highest number of nationals entering the
17 United States as unaccompanied alien children, in-
18 cluding amounts provided—

19 (A) to deter the nationals of each country
20 from illegally entering the United States; and

21 (B) to care for or reintegrate repatriated
22 unaccompanied alien children in the country of
23 nationality or last habitual residence.

24 (c) REPORTS ON RETURNS TO COUNTRY OF NATION-
25 ALITY.—Not later than September 30, 2020, the Sec-

1 etary of Homeland Security shall submit to Congress,
2 and make publicly available, a report that identifies—

3 (1) the number of unaccompanied alien children
4 who have voluntarily returned to their country of na-
5 tionality or habitual residence, disaggregated by—

6 (A) country of nationality or habitual resi-
7 dence; and

8 (B) age of the unaccompanied alien chil-
9 dren;

10 (2) the number of unaccompanied alien children
11 who have been returned to their country of nation-
12 ality or habitual residence, including the length of
13 time such children were present in the United
14 States;

15 (3) the number of unaccompanied alien children
16 who have not been returned to their country of na-
17 tionality or habitual residence pending travel docu-
18 ments or other requirements from such country, in-
19 cluding how long they have been waiting to return;
20 and

21 (4) the number of unaccompanied alien children
22 who were granted relief in the United States, wheth-
23 er through asylum, any other immigration benefit or
24 status, or deferred action.

1 (d) REPORTS ON IMMIGRATION PROCEEDINGS.—Not
2 later than September 30, 2020, and not less frequently
3 than every 90 days thereafter, the Secretary of Homeland
4 Security, in coordination with the Director of the Execu-
5 tive Office for Immigration Review, shall submit to Con-
6 gress, and make publicly available, a report that identi-
7 fies—

8 (1) the number of unaccompanied alien children
9 who, after proceedings under section 235B of the
10 Immigration and Nationality Act (were returned to
11 their country of nationality or habitual residence,
12 disaggregated by—

13 (A) country of nationality or residence; and

14 (B) age and gender of such aliens;

15 (2) the number of unaccompanied alien children
16 who, after proceedings under section 235(b) of the
17 Immigration and Nationality Act (8 U.S.C.
18 1225(b)), prove a claim of admissibility and are
19 placed in proceedings under section 240 of that Act
20 (8 U.S.C. 1229a);

21 (3) the number of unaccompanied alien children
22 who fail to appear at a removal hearing that such
23 alien was required to attend;

24 (4) the number of sponsors who were levied a
25 penalty, including the amount and whether the pen-

1 alty was collected, for the failure of an unaccom-
2 panied alien child to appear at a removal hearing;
3 and

4 (5) the number of aliens that are classified as
5 unaccompanied alien children, the ages and coun-
6 tries of nationality of such children, and the orders
7 issued by the immigration judge at the conclusion of
8 proceedings under section 235(b) of the Immigration
9 and Nationality Act for such children.

10 **SEC. 10. ASYLUM PROCESSING.**

11 Section 208 of the Immigration and Nationality Act
12 (8 U.S.C. 1158(a)) is amended—

13 (1) in subsection (a), by striking “(whether or
14 not at a designated port of arrival and including an
15 alien who is brought to the United States after hav-
16 ing been interdicted in international or United
17 States waters),” and inserting “at a designated port
18 of entry (including an alien who is brought to the
19 United States after having been interdicted in inter-
20 national or United States waters),”; and

21 (2) in subsection (b)(2)(A)—

22 (A) in clause (v), by striking “or” at the
23 end;

24 (B) in clause (vi), by striking the period at
25 the end and inserting “; or” at the end; and

1 (C) by adding at the end the following:

2 “(vii) the alien arrived in the United
3 States anywhere other than at a des-
4 ignated port of entry.”.

5 **SEC. 11. BIOMETRIC AND DNA COLLECTION.**

6 (a) COLLECTION OF BIOMETRIC INFORMATION.—

7 The Commissioner of U.S. Customs and Border Protec-
8 tion shall verify parentage or other family relationships
9 of individuals apprehended along the border or at des-
10 ignated ports of entry, in accordance with section 411(c)
11 of the Homeland Security Act of 2002 (6 U.S.C. 211(c)),
12 by photographing and collecting biometric information
13 from all alien children apprehended by U.S. Customs and
14 Border Protection who were younger than 18 years of age
15 at the time of such apprehension.

16 (b) COLLECTION OF DNA SAMPLES.—

17 (1) IN GENERAL.—The Secretary of Homeland
18 Security or the Attorney General shall verify parent-
19 age or other family relationships of individuals ap-
20 prehended along the border or at designated ports of
21 entry, in accordance with section 3(a) of the DNA
22 Analysis Backlog Elimination Act of 2000 (34
23 U.S.C. 40702(a)), shall conduct DNA analysis from
24 all alien children younger than 18 years of age who
25 are in the custody of U.S. Customs and Border Pro-

1 tection or U.S. Immigration and Customs Enforce-
2 ment.

3 (2) RAPID DNA.—DNA analysis conducted
4 under paragraph (1) may be may be carried out with
5 Rapid DNA instruments (as defined in section
6 3(c)(3) of the DNA Analysis Backlog Elimination
7 Act of 2000 (34 U.S.C. 40702(c)(3)).

8 **SEC. 12. STANDARD OPERATING PROCEDURES; FACILITIES**
9 **STANDARDS.**

10 (a) STANDARD OPERATING PROCEDURES.—Section
11 411(k)(1) of the Homeland Security Act of 2002 (6
12 U.S.C. 211(k)) is amended—

13 (1) in subparagraph (D), by striking “and” at
14 the end;

15 (2) in subparagraph (E)(iv), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (3) adding at the end the following:

18 “(F) standard operating procedures re-
19 garding the detection, interdiction, inspection,
20 processing, or transferring of alien children that
21 officers and agents of U.S. Customs and Border
22 Protection shall employ in the execution of their
23 duties.”.

24 (b) FACILITIES STANDARDS.—

1 (1) INITIAL REVIEW AND UPDATE.—Not later
2 than 270 days after the date of the enactment of
3 this Act, the Secretary of Homeland Security shall
4 review and update the regulations under part 115 of
5 title 6, Code of Federal Regulations, which set
6 standards to prevent, detect, and respond to sexual
7 abuse and assault in immigration detention facilities
8 and other holding facilities under the jurisdiction of
9 the Department of Homeland Security.

10 (2) QUADRENNIAL REVIEW.—The Secretary of
11 Homeland Security shall review and update the reg-
12 ulations referred to in paragraph (1) not less fre-
13 quently than once every 4 years.

14 **SEC. 13. REGIONAL PROCESSING CENTERS.**

15 Subtitle C of title IV of the Homeland Security Act
16 of 2002 (6 U.S.C. 231 et seq.) is amended by adding at
17 the end the following:

18 **“SEC. 437. REGIONAL PROCESSING CENTERS.**

19 “(a) IN GENERAL.—The Secretary shall establish at
20 least 4 regional processing centers located in high traffic
21 sectors of U.S. Border Patrol, as determined by the Sec-
22 retary, along the southern border land border of the
23 United States. All family units apprehended by U.S. Cus-
24 toms and Border Protection in such sectors shall be expe-

1 ditiously transported to the nearest regional processing
2 center.

3 “(b) PURPOSE.—The regional processing centers es-
4 tablished pursuant to subsection (a) shall carry out family
5 unit processing activities, including—

6 “(1) criminal history checks;

7 “(2) identity verification;

8 “(3) DNA analysis;

9 “(4) medical screenings;

10 “(5) asylum interviews and credible fear deter-
11 minations under section 235 of the Immigration and
12 Nationality Act (8 U.S.C. 1225); and

13 “(6) other activities prescribed by the Sec-
14 retary.

15 “(c) PERSONNEL AND LIVING CONDITIONS.—The re-
16 gional processing centers established pursuant to sub-
17 section (a) shall include—

18 “(1) personnel assigned from—

19 “(A) U.S. Customs and Border Protection;

20 “(B) U.S. Immigration and Customs En-
21 forcement;

22 “(C) the Federal Emergency Management
23 Agency;

24 “(D) U.S. Citizenship and Immigration
25 Services; and

1 “(E) the Office of Refugee Resettlement of
2 the Department of Health and Human Services;

3 “(2) upon agreement with the Secretary of De-
4 fense, personnel from assigned from the Department
5 of Defense;

6 “(3) sufficient medical staff, including physi-
7 cians specializing in pediatric or family medicine,
8 nurse practitioners, and physician assistants;

9 “(4) licensed social workers;

10 “(5) mental health professionals; and

11 “(6) a sufficient number of detention beds to
12 detain all family units apprehended by U.S. Customs
13 and Border Protection in the sector of the U.S. Bor-
14 der Patrol in which such regional processing center
15 is located for not fewer than 20 days.

16 “(d) IMMIGRATION JUDGES.—During the 2-year pe-
17 riod beginning on the date of the enactment of this sec-
18 tion, the Attorney General shall assign not fewer than 2
19 immigration judges to each southwest border family resi-
20 dential center or other southwest border location agreed
21 upon by the Attorney General and the Secretary of Home-
22 land Security to expeditiously adjudicate the immigration
23 proceedings of family units and other aliens arrested and
24 detained by the Department of Homeland Security.

1 “(e) CRIMINAL HISTORY CHECKS AND DNA ANAL-
2 YSIS.—

3 “(1) IN GENERAL.—Each biometric criminal
4 history check carried out under subsection (b)(1)
5 shall be conducted using a set of fingerprints or
6 other biometric identifier obtained from—

7 “(A) the Federal Bureau of Investigation;

8 “(B) the criminal history repositories of all
9 States that the individual listed as a current or
10 former residence; and

11 “(C) any other appropriate Federal or
12 State database or repository, as determined by
13 the Secretary of Health and Human Services.”.

14 “(2) USE OF RAPID DNA INSTRUMENTS.—DNA
15 analysis under subsection (b)(3) may be carried out
16 with Rapid DNA instruments.

17 “(f) EXCEPTIONS FOR ADDITIONAL PURPOSES.—
18 Subject to operational and spatial availability, in the event
19 of a major disaster or emergency declared under the Rob-
20 ert T. Stafford Disaster Relief and Emergency Assistance
21 Act (42 U.S.C. 5121 et seq.) or any homeland security
22 crisis requiring the establishment of a departmental Joint
23 Task Force under section 708(b), the Secretary may tem-
24 porarily utilize a regional processing center to carry out
25 operations relating to such declaration or crisis.

1 “(g) PRIVATE DONATIONS.—The Department of
2 Homeland Security may accept donations from the private
3 sector, nongovernmental organizations, and other groups
4 independent of the Federal Government for the care of
5 children and family units detained at a regional processing
6 center established under subsection (a), including—

7 “(1) medical goods and services;

8 “(2) school supplies;

9 “(3) toys;

10 “(4) clothing; and

11 “(5) any other items intended to promote the
12 well being of such children and family units.

13 “(h) DEFINITIONS.—In this section, the terms ‘DNA
14 analysis’, ‘DNA sample’, and ‘Rapid DNA instruments’
15 have the meanings given such terms under section 3(c)
16 of the DNA Analysis Backlog Elimination Act of 2000 (34
17 U.S.C. 40702(c)).”.

18 **SEC. 14. AUTHORIZATION TO HIRE ADDITIONAL U.S. CUS-**
19 **TOMS AND BORDER PROTECTION AND U.S.**
20 **IMMIGRATION AND CUSTOMS ENFORCEMENT**
21 **PERSONNEL.**

22 (a) OFFICERS.—The Commissioner of U.S. Customs
23 and Border Protection shall hire, train, and assign not
24 fewer than 600 new Office of Field Operations Officers
25 (above the current attrition level) during every fiscal year

1 until the total number of Office of Field Operations Offi-
2 cers equals and sustains the requirements identified each
3 year in the Workload Staffing Model.

4 (b) SUPPORT STAFF.—The Commissioner is author-
5 ized to hire, train, and assign support staff, including
6 technicians, to perform non-law enforcement administra-
7 tive functions to support the new Office of Field Oper-
8 ations officers hired pursuant to subsection (a).

9 (c) AGRICULTURE SPECIALISTS.—Not later than
10 September 30, 2021, the Secretary of Homeland Security
11 shall hire, train, and assign to duty 631 U.S. Customs
12 and Border Protection Agriculture Specialists to ports of
13 entry along the southern and northern borders of the
14 United States.

15 (d) TRAFFIC FORECASTS.—In calculating the num-
16 ber of Office of Field Operations Officers needed at each
17 port of entry through the Workload Staffing Model, the
18 Commissioner shall—

19 (1) rely on data collected regarding the inspec-
20 tions and other activities conducted at each such
21 port of entry; and

22 (2) consider volume from seasonal surges, other
23 projected changes in commercial and passenger vol-
24 umes, the most current commercial forecasts, and
25 other relevant information.

1 (e) GAO REPORT.—If the Commissioner does not
2 hire 600 additional Office of Field Operations officers pur-
3 suant to subsection (a) during fiscal year 2020, or during
4 any subsequent fiscal year in which the hiring require-
5 ments set forth in the Workload Staffing Model have not
6 been achieved, the Comptroller General of the United
7 States shall—

8 (1) conduct a review of U.S. Customs and Bor-
9 der Protection hiring practices to determine the rea-
10 sons that such requirements were not achieved and
11 other issues related to hiring by U.S. Customs and
12 Border Protection; and

13 (2) submit a report to the Committee on Home-
14 land Security and Governmental Affairs of the Sen-
15 ate and the Committee on Homeland Security of the
16 House of Representatives that describes the results
17 of the review conducted under paragraph (1).

18 (f) U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
19 PERSONNEL INCREASES.—The Director of U.S. Immigra-
20 tion and Customs Enforcement shall hire, train, and as-
21 sign—

22 (1) not fewer than 1,000 new Enforcement and
23 Removal Operations Officers;

1 (2) not fewer than 665 Enforcement and Re-
2 moval Operations support personnel to address case
3 management responsibilities;

4 (3) not fewer than 128 attorneys in the Office
5 of the Principal Legal Advisor; and

6 (4) not fewer than 41 support staff within the
7 Office of the Principal Legal Advisor to assist immi-
8 gration judges within the Executive Office for Immi-
9 gration Review with removal, asylum, and custody
10 determination proceedings.

11 **SEC. 15. PORTS OF ENTRY INFRASTRUCTURE IMPROVE-**
12 **MENTS.**

13 (a) ADDITIONAL PORTS OF ENTRY.—

14 (1) AUTHORITY.—The Secretary of Homeland
15 Security may construct new ports of entry along the
16 northern and southern borders of the United States
17 at locations determined by the Secretary, after ap-
18 propriate consultations pursuant to paragraph (2).

19 (2) CONSULTATIONS.—

20 (A) REQUIREMENT TO CONSULT.—The
21 Secretary of Homeland Security shall consult
22 with the Secretary of State, the Secretary of
23 the Interior, the Secretary of Agriculture, the
24 Secretary of Transportation, the Administrator
25 of the General Services Administration, and ap-

1 appropriate representatives of State and local gov-
2 ernments, and Indian tribes, and property own-
3 ers in the United States before selecting a loca-
4 tion for any new port constructed pursuant to
5 paragraph (1).

6 (B) CONSIDERATIONS.—The purpose of
7 the consultations required under subparagraph
8 (A) shall be to minimize any negative impacts
9 of new ports of entry on the environment, cul-
10 ture, commerce, and quality of life of the com-
11 munities and residents located near such new
12 ports of entry.

13 (b) EXPANSION AND MODERNIZATION OF HIGH-PRI-
14 ORITY BORDER PORTS OF ENTRY.—Not later than Sep-
15 tember 30, 2021, the Secretary of Homeland Security
16 shall modernize the top 10 high-priority ports of entry on
17 the southern border of the United States.

18 (c) PORT OF ENTRY PRIORITIZATION.—The Sec-
19 retary of Homeland Security shall complete the expansion
20 and modernization of ports of entry pursuant to sub-
21 section (b), to the extent practicable, before constructing
22 any new ports of entry pursuant to subsection (a).

23 (d) NOTIFICATION.—

24 (1) NEW PORTS OF ENTRY.—Not later than 15
25 days after determining the location of a new port of

1 entry pursuant to subsection (a), the Secretary of
2 Homeland Security shall submit a report to the enti-
3 ties listed in paragraph (2) that includes—

4 (A) the location of the new port of entry;

5 (B) a description of the need for, and an-
6 ticipated benefits of, the new port of entry;

7 (C) a description of the consultations un-
8 dertaken by the Secretary pursuant to sub-
9 section (a)(2);

10 (D) any actions that will be taken to mini-
11 mize negative impacts of the new port; and

12 (E) the anticipated timeline for completing
13 the construction of the new port of entry.

14 (2) RECIPIENTS.—The entities listed in this
15 paragraph are—

16 (A) the members of Congress that rep-
17 resent the State or congressional district in
18 which the new port of entry will be located;

19 (B) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;

21 (C) the Committee on Finance of the Sen-
22 ate;

23 (D) the Committee on the Judiciary of the
24 Senate;

1 (E) the Committee on Homeland Security
2 of the House of Representatives;

3 (F) the Committee on Ways and Means of
4 the House of Representatives; and

5 (G) the Committee on the Judiciary of the
6 House of Representatives.

7 (3) TOP 10 HIGH-VOLUME PORTS.—Not later
8 than 180 days after the date of the enactment of
9 this Act, the Secretary of Homeland Security shall
10 submit a report to the congressional committees list-
11 ed under paragraph (2) that—

12 (A) lists the top 10 high-volume ports of
13 entry on the southern border of the United
14 States; and

15 (B) the Secretary's plan for expanding the
16 primary and secondary inspection lanes at each
17 port of entry referred to in subparagraph (A).

18 **SEC. 16. FOREIGN ENGAGEMENT STRATEGY.**

19 (a) IN GENERAL.—Not later than 270 days after the
20 date of the enactment of this Act, the Secretary of State,
21 in coordination with the Secretary of Homeland Security,
22 shall submit a strategy to the congressional committees
23 listed in subsection (c) that describes how the United
24 States Government will—

1 (1) engage with the Government of Mexico and
2 the Government of Guatemala regarding new oppor-
3 tunities for cooperation on Mexico's border with
4 Guatemala;

5 (2) foster cooperation between Mexican and
6 Guatemalan authorities at high-volume ports of
7 entry to synchronize border security technologies be-
8 tween Mexico and Guatemala to improve border se-
9 curity and trade facilitation; and

10 (3) help modernize infrastructure and tech-
11 nology at ports of entry in Guatemala, including
12 nonintrusive inspection equipment, to more fully
13 automate the inspection process.

14 (b) IMPLEMENTATION.—No later than 1 year after
15 the date of the enactment of this Act, the Secretary of
16 State, in coordination with the Secretary of Homeland Se-
17 curity, shall submit a report to the congressional commit-
18 tees listed in subsection (c) that describes the steps that
19 have been taken to implement the strategy described in
20 subsection (a).

21 (c) RECIPIENTS.—The congressional committees list-
22 ed in this paragraph are—

23 (1) the Committee on Foreign Relations of the
24 Senate;

1 (2) the Committee on the Judiciary of the Sen-
2 ate;

3 (3) the Committee on Foreign Affairs of the
4 House of Representatives; and

5 (4) the Committee on the Judiciary of the
6 House of Representatives.

7 **SEC. 17. DETERRING VISA OVERSTAYS.**

8 (a) ADMISSION OF NONIMMIGRANTS.—Section 214 of
9 the Immigration and Nationality Act (8 U.S.C. 1184) is
10 amended by striking the section designation and heading
11 and all that follows through the end of subsection (a)(1)
12 and inserting the following:

13 **“SEC. 214. ADMISSION OF NONIMMIGRANTS.**

14 “(a) IN GENERAL.—

15 “(1) TERMS AND CONDITIONS OF ADMISSION.—

16 “(A) IN GENERAL.—Subject to subpara-
17 graphs (B) and (C), the admission to the
18 United States of any alien as a nonimmigrant
19 may be for such time and under such conditions
20 as the Secretary may prescribe, in his or her
21 sole and unreviewable discretion, including
22 when the Secretary deems necessary the giving
23 of a bond with sufficient surety in such sum
24 and containing such conditions as the Secretary
25 shall prescribe, to ensure that at the expiration

1 of such time or upon failure to maintain the
2 status under which the alien was admitted, or
3 to maintain any status subsequently acquired
4 under section 248, such alien will depart from
5 the United States.

6 “(B) GUAM OR CNMI VISA WAIVER NON-
7 IMMIGRANTS.—No alien admitted to Guam or
8 the Commonwealth of the Northern Mariana Is-
9 lands without a visa pursuant to section 212(l)
10 may be authorized to enter or stay in the
11 United States, other than in Guam or the Com-
12 monwealth of the Northern Mariana Islands, or
13 to remain in Guam or the Commonwealth of
14 the Northern Mariana Islands for a period ex-
15 ceeding 45 days after the date on which the
16 alien was admitted to Guam or the Common-
17 wealth of the Northern Mariana Islands.

18 “(C) VISA WAIVER PROGRAM NON-
19 IMMIGRANTS.—An alien admitted to the United
20 States without a visa pursuant to section 217
21 shall not be authorized to remain in the United
22 States as a nonimmigrant visitor for a period
23 exceeding 90 days from the date on which the
24 alien was admitted.

1 “(D) BAR TO IMMIGRATION BENEFITS AND
2 TO CONTESTING REMOVAL.—

3 “(i) DEFINED TERM.—In this sub-
4 paragraph, the term ‘good cause’ means
5 extreme exigent humanitarian cir-
6 cumstances, determined on a case-by-case
7 basis only, such as a medical emergency or
8 force majeure.

9 “(ii) CONSEQUENCE OF OVERSTAY.—
10 Subject to clause (iii), except for an alien
11 admitted as a nonimmigrant under sub-
12 paragraph (A)(i), (A)(ii), (G)(i), (G)(ii), or
13 (G)(iii) of section 101(a)(15) or as a
14 NATO–1, 2, 3, 4, 5, or 6 nonimmigrant,
15 any alien who remains in the United
16 States for a period of more than 30 days
17 after the date on which the period of stay
18 or parole authorized by the Secretary for
19 the alien ends, without good cause, is inad-
20 missible and ineligible for all immigration
21 benefits or relief available under the immi-
22 gration laws, including relief under sec-
23 tions 240A(b)(1), 240B(b), 245, 248, and
24 249, other than—

25 “(I) asylum;

1 “(II) relief as a victim of traf-
2 ficking under section 101(a)(15)(T);

3 “(III) relief as a victim of crimi-
4 nal activity under section
5 101(a)(15)(U);

6 “(IV) relief under the Violence
7 Against Women Act of 1994 (42
8 U.S.C. 13701 et seq.) as a spouse or
9 child who has been battered or sub-
10 jected to extreme cruelty;

11 “(V) relief as a battered spouse
12 or child under section 240A(b)(2);

13 “(VI) withholding of removal
14 under section 241(b)(3); or

15 “(VII) protection from removal
16 based on a claim under the Conven-
17 tion Against Torture and Other Cruel,
18 Inhuman or Degrading Treatment or
19 Punishment, done at New York, De-
20 cember 10, 1984.

21 “(iii) EXCEPTION.—The Secretary
22 may, in the Secretary’s sole and
23 unreviewable discretion, determine that a
24 nonimmigrant is not subject to clause (ii)
25 if—

1 “(I) the alien was lawfully in-
2 spected and admitted to the United
3 States as a nonimmigrant;

4 “(II) the alien filed a nonfrivo-
5 lous application for change of status
6 to another nonimmigrant category or
7 for an extension of stay before the
8 date on which the alien’s authorized
9 period of stay as a nonimmigrant ex-
10 pired;

11 “(III) the alien has not been em-
12 ployed without authorization in the
13 United States, before or during pend-
14 ency of the application referred to in
15 subclause (II);

16 “(IV) the alien has not otherwise
17 violated the terms of the alien’s non-
18 immigrant status; and

19 “(V) the Secretary, in the Sec-
20 retary’s sole and unreviewable discre-
21 tion, determines that the alien is not
22 a threat to national security or public
23 safety.

24 “(iv) DETENTION AND EXPEDITED
25 REMOVAL.—An alien described in clause

1 (ii) who remains in the United States more
2 than 30 days after the date on which the
3 period of stay authorized by the Secretary
4 ends, without good cause, shall be detained
5 and the Secretary shall expeditiously re-
6 move the alien from the United States not
7 later than 90 days after the date on which
8 the alien is detained.

9 “(v) LIMITATION ON JUDICIAL RE-
10 VIEW.—Notwithstanding any other provi-
11 sion of law (statutory or nonstatutory), in-
12 cluding section 2241 of title 28, United
13 States Code, any other habeas corpus pro-
14 vision, or sections 1361 and 1651 of such
15 title, no court shall have jurisdiction to re-
16 view any cause or claim, arising from, or
17 relating to, the detention and expedited re-
18 moval of an alien pursuant to clause (iv).”.

19 (b) VISA WAIVER PROGRAM WAIVER OF RIGHTS.—
20 Section 217(b) of the Immigration and Nationality Act (8
21 U.S.C. 1187(b)) is amended to read as follows:

22 “(b) WAIVER OF RIGHTS.—An alien may not be pro-
23 vided a waiver under the program unless the alien has—

1 “(1) signed, under penalty of perjury, an ac-
2 knowledge confirming that the alien was notified
3 and understands that he or she will be—

4 “(A) ineligible for any form of relief or im-
5 migration benefit under the Act or any other
6 immigration laws, including sections
7 240A(b)(1), 240B(b), 245, 248, and 249 (other
8 than a request for asylum), relief as a victim of
9 trafficking under section 101(a)(15)(T), relief
10 as a victim of criminal activity under
11 101(A)(15)(U), relief under the Violence
12 Against Women Act of 1994 (42 U.S.C. 13701
13 et seq.) as a spouse or child who has been bat-
14 tered or subjected to extreme cruelty, relief as
15 a battered spouse or child under section
16 240A(b)(2), withholding of removal under sec-
17 tion 241(b)(3), or protection from removal
18 based on a claim under the Convention Against
19 Torture and Other Cruel, Inhuman or Degrad-
20 ing Treatment or Punishment, done at New
21 York, December 10, 1984; and

22 “(B) subject to detention and expedited re-
23 moval from the United States, if the alien fails
24 to depart from the United States at the end of
25 the 90-day period for admission;

1 “(2) waived any right to review or appeal under
2 this Act of an immigration officer’s determination as
3 to the admissibility of the alien at the port of entry
4 into the United States; and

5 “(3) waived any right to contest any action for
6 removal of the alien.”.

7 (c) DETENTION AND REPATRIATION OF VISA WAIV-
8 ER VIOLATORS.—Section 217(c)(2)(E) of the Immigration
9 and Nationality Act (8 U.S.C. 1187(c)(2)(E)) is amended
10 to read as follows:

11 “(E) DETENTION AND REPATRIATION OF
12 ALIENS.—Any alien who fails to depart from
13 the United States at the end of the 90-day pe-
14 riod for admission shall be detained pending re-
15 moval.”.

16 (d) ISSUANCE OF NONIMMIGRANT VISAS.—Section
17 221(a) of the Immigration and Nationality Act (8 U.S.C.
18 1201(a)) is amended by adding at the end the following:

19 “(3) The Secretary of State shall ensure that every
20 application for a nonimmigrant visa includes an acknowl-
21 edgment, executed by the alien under penalty of perjury,
22 confirming that the alien—

23 “(A) has been notified of the terms and condi-
24 tions of the nonimmigrant visa, including the waiver
25 of rights under subsection (j); and

1 “(B) understands that he or she will be ineli-
2 gible for all immigration benefits and any form of
3 relief or protection from removal, including relief
4 under sections 240A(b)(1), 240B(b), 245, 248, and
5 249, other than a request for asylum, relief as a vic-
6 tim of trafficking under section 101(a)(15)(T), relief
7 as a victim of criminal activity under
8 101(A)(15)(U), relief under the Violence Against
9 Women Act of 1994 (42 U.S.C. 13701 et seq.) as
10 a spouse or child who has been battered or subjected
11 to extreme cruelty, relief as a battered spouse or
12 child under section 240A(b)(2), withholding of re-
13 moval under section 241(b)(3), or protection from
14 removal based on a claim under the Convention
15 Against Torture and Other Cruel, Inhuman or De-
16 grading Treatment or Punishment, done at New
17 York, December 10, 1984, and from contesting re-
18 moval if the alien violates any term or condition of
19 his or her nonimmigrant visa or fails to depart the
20 United States not later than 30 days after the end
21 of the alien’s authorized period of stay.”.

22 (e) BARS TO IMMIGRATION RELIEF.—Section 221 of
23 the Immigration and Nationality Act (8 U.S.C. 1201) is
24 amended by adding at the end the following:

1 “(j) WAIVER OF RIGHTS.—The Secretary of State
2 may not issue a nonimmigrant visa under section 214 to
3 an alien (other than an alien who qualifies for a visa under
4 subparagraph (A) or (G) of section 101(a)(15), who is eli-
5 gible for relief under the Violence Against Women Act of
6 1994 (42 U.S.C. 13701 et seq.) as a spouse or child who
7 has been battered or subjected to extreme cruelty, or
8 qualifies for a visa as a NATO–1, 2, 3, 4, 5, or 6 non-
9 immigrant) until the alien has waived any right to relief
10 under sections 240A(b)(1), 240B(b), 245, 248, and 249
11 (other than relief from removal under section 241(b)(3)
12 or protection from removal based on a claim under the
13 Convention Against Torture and Other Cruel, Inhuman or
14 Degrading Treatment or Punishment, done at New York,
15 December 10, 1984), any form of relief established after
16 the date on which the nonimmigrant visa is issued, and
17 from contesting removal if the alien—

18 “(1) violates a term or condition of his or her
19 nonimmigrant status; or

20 “(2) fails to depart the United States not later
21 than the date that is 30 days after last day of the
22 alien’s authorized period of stay (as described in sec-
23 tion 214(a)(1)).”.

24 (f) REQUIREMENT THAT ALL NONIMMIGRANTS
25 HAVE A SPECIFIED AUTHORIZED PERIOD OF STAY END

1 DATE.—Section 235(a) of the Immigration and Nation-
2 ality Act (8 U.S.C. 1225(a)) is amended by adding at the
3 end the following:

4 “(6) PERIOD OF STAY.—Any alien who an ex-
5 amining immigration officer has determined to be
6 admissible as a nonimmigrant, except for aliens who
7 are admissible under subparagraph (A)(i), (A)(ii),
8 (G)(i), (G)(ii), or (G)(iii) of section 101(a)(15), or
9 who such officer has determined to be eligible for
10 parole—

11 “(A) shall be admitted or paroled, as ap-
12 propriate, into the United States for a specific
13 period; and

14 “(B) shall be issued documentation stating
15 the end date of the alien’s period of stay in the
16 United States.”.

17 (g) EFFECTIVE DATE; APPLICABILITY.—

18 (1) IN GENERAL.—This section and the amend-
19 ments made by this section shall—

20 (A) take effect on the date of enactment of
21 this Act; and

22 (B) apply only to new visas, initial admis-
23 sions of nonimmigrants, and initial requests for
24 change of status from a nonimmigrant category
25 to another nonimmigrant category under sec-

1 tion 248 of the Immigration and Nationality
2 Act (8 U.S.C. 1258).

3 (2) PREVIOUSLY ADMITTED INDIVIDUALS.—An
4 individual previously admitted to the United States
5 on a nonimmigrant visa who is present in the United
6 States before the date of the enactment of this Act
7 shall not be subject to this section or to the amend-
8 ments made by this section until the alien departs
9 from the United States or requests a change of non-
10 immigrant classification under section 248 of the
11 Immigration and Nationality Act (8 U.S.C. 1258).